

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	)	CHAPTER 13
	)	
<b>ADRIAN KUYKENDALL AND</b>	)	<b>CASE NO. 19-50206-LRC</b>
<b>SHETONYA ELAINE KUYKENDALL,</b>	)	
	)	
Debtors	)	

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**MOTION TO SELL REAL ESTATE AND DISBURSE FUNDS**

COME NOW, Adrian Kuykendall and Shetonya Elaine Kuykendall (“Debtors”), and moves the Court for an order allowing Debtors to sell real property that is a part of the estate:

1.

This Court has jurisdiction in this matter pursuant to 28 U.S.C. Sections 1334, 151 and 157. This matter is a core proceeding as defined in 28 U.S.C. Section 157 (b)(2)(N). This matter is a core proceeding as defined in 28 U.S.C. Section 157 (b)(2)(N).

2.

Debtors filed a Voluntary Petition for relief under Chapter 13 on January 4, 2019. The Debtors’ Chapter 13 Plan was confirmed on June 12, 2019.

3.

Debtors’ Schedule A lists an interest in real property located at 4009 Waldrop Hill, Decatur, GA 30034 (the “Property”), with a secured obligation to Wells Fargo Home Mortgage (“Lender”) in the approximate amount of \$113,756.11 (see Proof of claim #10).

4.

Debtor has procured a new disinterested, third-party buyer for the Property by the name of Seven Points Borrower, LLC (“Buyer”).

5.

With the Lender’s approval, Buyer and Debtor entered a preliminary purchase agreement according to which Buyer agrees to the purchase price of \$245,000.00 for the Property (see Exhibit A).

6.

Debtor proposes that the debt owed to Lender be paid in full upon closing on the sale.

7.

In total, from the purchase price of \$245,000.00 the amount realized by Debtors shall be reduced by \$188,062.61 consisting of satisfaction of the first mortgage lien held by Rushmore Loan Mgmt Services in the approximate amount of \$103,000.00, tax liens held by the Internal Revenue Service totaling an estimated \$62,672.88, tax liens held by the Georgia Department of Revenue totaling approximately \$7,081.78 (\$93.16, \$6,350.58, and \$638.04 respectively), a Payoff Processing Fee in the amount of \$40.00, Proceeds Wire Fee of \$ 35.00, recording fees of \$29.50, County taxes of \$503.45, and sales commission of \$14,700.00.

8.

Debtor requests that the net sale proceeds in the amount of \$56,937.39 be remitted to the Chapter 3 Trustee for disbursement pursuant to the terms of the Confirmed Chapter 13 Plan.

WHEREFORE, Debtors pray for:

- 1) An order approving the purchase contract attached herein and associated with the Property;
- 2) An order approving the net sale proceeds be sent to the Chapter 13 Trustee; and,
- 3) Such other and further relief as the Court may deem equitable and just.

Date: March 15, 2022

/s/  
Andrew H. McCullen  
GA Bar No.: 872658  
The Semrad Law Firm, LLC  
Sterling Point II  
235 Peachtree St. NE, Suite 300  
Atlanta, Georgia 30346  
(678) 668-7165  
**Attorney for the Debtor**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:

ADRIAN KUYKENDALL AND  
SHETONYA ELAINE KUYKENDALL,

Debtors

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)  
)  
)  
)  
)

CHAPTER 13

CASE NO. 19-50206-LRC

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NOTICE OF HEARING

PLEASE TAKE NOTICE that Debtor(s) has/have filed a Motion to Sell Real Estate and related papers with the Court seeking an Order approving the motion.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold an initial telephonic hearing for announcements on the Motion at the following number: (toll-free number **833-568-8864**; access code **161 346 1602**, at **9:15 AM on April 5, 2022** in **Courtroom 1204, U. S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303**.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) for more information.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, Atlanta Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: March 15, 2022

/s/

Andrew H. McCullen, GA Bar No.: 872658  
The Semrad Law Firm, LLC  
Sterling Point II  
235 Peachtree St. NE, Suite 300  
Atlanta, Georgia 30346  
(678) 668-7165  
**Attorney for the Debtor**

**UNITED STATES BANKRUPTCY COURT  
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<b>ADRIAN KUYKENDALL AND</b>	)	
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	)	
Debtors	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that I am more than 18 years of age and that I have this day served a copy of the within Motion to Sell Real Estate and Disbursement of Funds upon the following by depositing a copy of the same in U.S. Mail with sufficient postage affixed thereon to ensure delivery:

Adrian Kuykendall and  
Shetonya Elaine Kuykendall  
4009 Waldrop Hills Dr  
Decatur, GA 30034

Seven Points Borrower, LLC  
P.O. Box 4090  
Scottsdale, AZ 85261

*[See attached Creditor Mailing Matrix for additional service]*

I further certify that, by agreement of parties, Melissa J. Davey, Standing Chapter 13 Trustee, was served via ECF.

Date: March 15, 2022

/s/  
Andrew H. McCullen  
GA Bar No.: 872658  
The Semrad Law Firm, LLC  
Sterling Point II  
235 Peachtree St. NE, Suite 300  
Atlanta, Georgia 30346  
(678) 668-7165  
**Attorney for the Debtor**

Label Matrix for local noticing  
113E-1  
Case 19-50206-lrc  
Northern District of Georgia  
Atlanta  
Mon Feb 21 11:55:43 EST 2022

ACCEPTANCE NOW  
5501 Headquarters Dr  
ATTN: Acceptance Now Customer Service  
Plano, TX 75024-5837

Mark Allan Baker  
McMichael Taylor Gray, LLC  
Suite 260  
3550 Engineering Drive  
Peachtree Corners, GA 30092-2871

Kirk Patrick Bremer  
The Semrad Law Firm, LLC  
Suite 300  
235 Peachtree Street NE  
Atlanta, GA 30303-1404

CAP ONE AUTO  
3939 BELTLINE RD  
DALLAS, TX 75244

(p)WAKEFIELD & ASSOCIATES  
PO BOX 51272  
KNOXVILLE TN 37950-1272

CNS PORT SVC  
16355 LAGUNA CANYO  
IRVINE, CA 92618-3801

CONSUMER PORTFOLIO SERVICES, INC.  
PO BOX 57071  
IRVINE, CA 92619 - 7071

CREDITONEBNK  
PO BOX 98872  
LAS VEGAS, NV 89193-8872

Capital One Auto Finance, a division of Capi  
Department  
AIS Portfolio Services, LP  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

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Capital One, N.A.  
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PO Box 3001  
Malvern PA 19355-0701

Melissa J. Davey  
Melissa J. Davey, Standing Ch 13 Trustee  
Suite 200  
260 Peachtree Street, NW  
Atlanta, GA 30303-1236

Department of Justice, Tax Division  
75 Ted Turner Drive SW  
Civil Trial Section, Southern  
Atlanta, GA 30303-3315

Department of the Treasury  
Internal Revenue Service  
P.O. Box 7346  
Philadelphia PA 19101-7346

FED LOAN SERV  
P.O. Box 69184  
Harrisburg, PA 17106-9184

(p)GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

Michelle Rene Ghidotti-Gonsalves  
The Law Offices of Michelle Ghidotti  
1920 Old Tustin Ave.  
Santa Ana, CA 92705-7811

Internal Revenue Service  
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Philadelphia, PA 19101-7346

Internal Revenue Service - Atl  
401 West Peachtree St NW Room 1665  
ATTN: Ella Johnson, M/S 334-D  
Atlanta, GA 30308

KOHL'S/CAPONE  
PO BOX 3115  
MILWAUKEE, WI 53201-3115

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Hampton, GA 30228-6343

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Decatur, GA 30034-6750

Shetonya Elaine Kuykendall  
4009 Waldrop Hills Drive  
Decatur, GA 30034-6750

LVNV FUNDING  
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Ste. 206  
Greenville, SC 29615-5833

LVNV Funding LLC  
24300 Karim Blvd  
Novi, MI 48375-2942

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Craig B. Lefkoff  
Lefkoff Rubin Gleason Russo Williams PC  
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Atlanta, GA 30342-4762

NAVIENT CFC  
C/O Navient Solutions, LLC.  
PO BOX 9640  
Wilkes-Barre, PA 18773-9640

NC FINANCIAL  
1251 Stafford St # A  
Monroe, NC 28110-3350

Navient  
PO Box 8961  
Madison, WI 53708-8961

Navient Solutions, LLC.  
220 Lasley Ave  
Wilkes-Barre, PA 18706-1430

Office Of United States Trustee-ATL  
75 Ted Turner Dr SW #362  
Atlanta, GA 30303-3330

(p)OFFICE OF THE ATTORNEY GENERAL OF GEORGIA  
BUSINESS AND FINANCE BANKRUPTCY  
40 CAPITOL SQUARE SW  
ATLANTA GA 30334-9057

PRA Receivables Management LLC  
POB 41067  
Norfolk, VA 23541-1067

PRA Receivables Management, LLC as agent of  
Portfolio Recovery Associates, LLC  
PO Box 41067  
Norfolk, VA 23541-1067

Jonathan A. Proctor  
The Semrad Law Firm, LLC  
Suite 300  
235 Peachtree Street NE  
Atlanta, GA 30303-1404

(p)STATE FARM FEDERAL CREDIT UNION  
PO BOX 853944  
RICHARDSON TX 75085-3944

STATEFARMCU  
1 STATE FARM PLAZA  
BLOOMINGTON, IL 61710-0001

Special Assistant U.S. Attorney  
401 W. Peachtree Street, NW, STOP 1000-D  
Atlanta, GA 30308

U.S. Bank National Association  
Rushmore Loan Management Services  
P.O. Box 55004  
Irvine, CA 92619-5004

U.S. Bank National Association,  
c/o Rushmore Loan Management Services  
P.O. Box 52708  
Irvine, CA 92619-2708

US Attorney's Office-ATL  
75 Spring St SW # 1800  
Atlanta, GA 30303-3331

US DEP ED  
PO Box 8937  
Madison, WI 53708-8937

United States Attorney  
Northern District of Georgia  
75 Ted Turner Drive SW, Suite 600  
Atlanta GA 30303-3309

WFHM  
CREDIT BUREAU DISPUTE RESOLUTI PO BOX 14  
DES MOINES, IA 50301-0014

Wells Fargo Bank, N.A.  
Default Document Processing  
MAC# N9286-01Y,  
1000 Blue Gentian Road  
Eagan, MN 55121-1663

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

CEP AMERICA LLC  
WAKEFIELD AND ASSOCIATES  
PO BOX 50250  
KNOXVILLE, TN 37950-0250

Georgia Department of Revenue  
1800 Century Boulevard  
c/o T Truong  
Atlanta, GA 30345

(d)Georgia Department of Revenue  
Central Collections - Bankruptcy  
1800 Century Blvd NE Suite 9100  
Atlanta GA 30345

Office of the Attorney General - Atlanta  
40 Capitol Sq Sw  
Attn: Karrollanne K. Cayce  
Atlanta, GA 30334

STATE FARM FED CU  
ONE STATE FARM PLAZA  
BLOOMINGTON, IL 61710

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Consumer Portfolio Services, Inc.

(u)U.S. Bank National Association

(u)WELLS FARGO BANK, N.A.

End of Label Matrix  
Mailable recipients 46  
Bypassed recipients 3  
Total 49